Before the Federal Communications Commission Washington, D.C. 20554

In the Matter of)	
Perry Broadcasting Systems)	
y character grayers a)	File No. EB-04-SJ-044
Licensee of WSQD)	
Facility ID #53629)	NOV No. V20043268007
Laias, Puerto Rico)	

NOTICE OF VIOLATION

Released: September 13, 2004

By the Resident Agent, San Juan Office, Enforcement Bureau:

- 1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules, to Perry Broadcasting Systems, licensee of AM broadcast station WSQD in Lajas, Puerto Rico.
- 2. On September 2, 2004, an agent of the Commission's San Juan Office attempted to inspect radio station WSQD, licensed to serve Lajas, Puerto Rico, and observed the following violation:
 - a) 47 C.F.R. § 73.1125(a)(1): Except for those stations described in paragraph (b) of this section, each AM, FM and TV broadcast station shall maintain a main studio at one of the following locations: (1) Within the station's community of license; (2) At any location within the principal community contour of any AM, FM, or TV broadcast station licensed to the station's community of license; or (3) Within twenty-five miles from the reference coordinates of the center of its community of license as described in Section 73.208(a)(1). At the time of the attempted inspection at the station's main studio, located in the Palmarejo Ward of Lajas, Puerto Rico; the main gate was found padlocked and no personnel was available to attend the agent during an inspection. During a subsequent interview on September 8, 2004, Mr. Juan Galiano-Rivera, the station manager for WSQD, admitted to the lack of staffing during normal business hours at the studio.
- 3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Perry Broadcasting Systems, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude

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¹47 C.F.R. § 1.89.

²47 U.S.C. § 308(b).

recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission San Juan Resident Agent Office US Federal Building Room 762 San Juan, Puerto Rico 00918-1731

- 4. Failure to respond to this Notice constitutes a separate violation that could result in additional penalties, including monetary forfeiture.
- 5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure your compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴
- 6. This Notice shall be sent to Perry Broadcasting Systems, POB 1689, Lajas, Puerto Rico 00667.

FEDERAL COMMUNICATIONS COMMISSION

Reuben Jusino Resident Agent San Juan Office

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³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seg*.